United Nations CRC/C/OPSC/KHM/1

Convention on the Rights of the Child

Distr.: General
24 April 2014

Original: English

Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2004

Cambodia *

[Date received: 5 October 2012]

* The present document is being issued without formal editing.

GE.14-42736

1442736

Please recycle

Contents

		Paragraphs	*Page*
	Acronyms		3
	Introduction	1	4
I.	General information	2–5	4
II.	Data	6–23	5
III.	General measures of implementation	24–57	9
	Dissemination of and training on the Optional Protocol	32–57	14
IV.	Prevention	58–77	20
V.	Prohibition and related matters (arts. 3, 4 (2 and 3), 5–7)	78–104	24
VI.	Protection of the rights of victims (arts. 8 and 9 (3 and 4))	105–121	32
VII.	International assistance and cooperation (art. 10)	122–126	35
VIII.	Other legal provisions (art. 11)	127–129	36
IX.	Conclusion	130–131	37
Annex			39

Acronyms

AHTJP Department	Department of Anti-Human Trafficking and Juvenile Protection
Cambodia Acts	Cambodia Against Child Trafficking
CAMinfo	Cambodia Information
CDP	Cambodia Defenders Project
CNCC	Cambodia National Council for Children
COSECAM	Coalition to Address Child Exploitation in Cambodia
CRC	Convention on the Rights of the child
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
GMS	Greater Mekong Sub region
ILO/IPEC	International Labour Organization/International Programme on the Elimination of Child Labour
IOM	International Organization for Migration
LAC	Legal Aid of Cambodia
LEASTEC	Law Enforcement Against Abuse, Sexual Exploitation and Trafficking of Children
MoEYS	Ministry of Education, Youth and Sports
MoH	Ministry of Health
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoLVT	Ministry of Labour and Vocational Training
MoP	Ministry of Planning
MoSVY	Ministry of Social Affaires, Veteran and Youth Rehabilitation
MoT	Ministry of Tourism
MoWA	Ministry of Women's Affairs
NC/STSLS	National Committee to lead the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children
PJJ	Protection of Juvenile Justice
UNIAP	United Nations Inter-Agency Project on Human Trafficking

Introduction

1. The Kingdom of Cambodia ratified the Convention on the Rights of the Child (CRC) on 15 October 1992 and the Optional Protocol on the sale of children, child prostitution and child pornography on 21 February 2002 without any reservation. This document is the first and second report that details the implementation of the Optional Protocol between 2002 and 2010, pursuant to article 12, paragraphs 1 and 2 of the Optional Protocol and article 44, paragraph 1(b) of the Convention on the Rights of the Child.

I. General information

2. The Cambodian National Council for Children (CNCC) has set up an inter-sectoral working group to prepare the report on the implementation of the Optional Protocols to the CRC. The working group comprises members from the Ministry of Social Affairs, Veteran and Youth Rehabilitation (MoSVY); Ministry of Justice; officials of the CNCC Secretariat; Ministry of Tourism; Cambodian Human Rights Committee; Ministry of National Defence; Ministry of Interior, Ministry of Labour and Vocational Training; Ministry of Planning; Ministry of Education, Youth and Sports; Ministry of Health; Council of Jurists; representatives of the United Nations Children's Fund (UNICEF); representatives of the United Nations Inter-agency Project on Human Trafficking; NGO Committee for Children's Rights, ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), COSECAM (Coalition to Address Child Exploitation in Cambodia) and Cambodia Acts. This group sought comments from other non-governmental organizations (NGOs) and other international organizations on the report. This report was submitted by the CNCC to the Child Forum held on 15 November 2010 to seek additional opinions from children from 16 provinces/cities, and submitted to the National Consultation Workshop held on 23 December 2010 to seek opinions from relevant actors from the ministries and institutions and NGOs. The opinions of children and relevant actors were seriously considered by the CNCC.

3. The Kingdom of Cambodia implements the Convention of the Rights of the Child and the Optional Protocol on the sale of children, child prostitution and child pornography through human rights-based approaches, in particular the rights of the child serve as basis for programming. The principles of non-discrimination, the primacy of the best interest of the child, the rights to life, the right to survival and development, and the respect of the child views are the core of the programmes, projects and activities. The rights of the child are exercised through a country programme which is prepared once every 5 years, and within each year an annual programme is prepared where indicators to be achieved for each year are determined.

4. The Constitutional Council issued the Decision No. 092/003/2007 KBT.C dated 10 July 2007, which states that "At case trial, in principle, a judge shall rely on law". The term law above-stated refers to national laws, including the Constitution, which is the supreme law, and other applicable laws, as well as the international conventions that the Kingdom of Cambodia has recognized, especially the Convention on the Rights of the Child. In criminal cases, the law shall be strictly interpreted; the judge cannot extend the implementation by analogy.

5. Following the ratification of the Optional Protocol by the Kingdom of Cambodia until now, the situation of children and women has been significantly progressed compared to Cambodia's Millennium Development Goals. Serious attention has been paid to many areas such as elimination of the sale of children, child prostitution and child pornography, and protection and enjoyment of the rights enshrined in the Optional Protocol have been

guaranteed. Meanwhile some Cambodian children remain facing challenges such as violence, exploitations and abuses.

II. Data

6. The Statistics Law, which governs all matters, related to collection, processing, compilation, analysis, publication and dissemination of data in the whole Cambodia, was promulgated in 2005. The National Institute of Statistics of the Ministry of Planning is in charge of these tasks. In the past, CAMInfo has been known as the Cambodian socio-economic indicator database for monitoring progress on the Cambodian Millennium Development Goal as well as other national, regional and global goals including those of A World Fit For Children. CAMInfo has the data from national and capital/provincial to commune/Sangkat level that enables the monitoring on local indicators. The major data from Cambodia's Socio-Economic survey, data obtained from constant watch on, administration data and database of commune/Sangkat were also included in CAMInfo and updated twice a year. CAMInfo has been used for updating the report on the implementation of the 2005 Millennium Development Goal and for the development of the government's periodic report to the Committee on the Rights of the Child. In 2002, the Ministry of Planning developed the national database at commune/sangkat levels. This database was reviewed in 2004-2005 in view of improving its quality and changing its existing indicators as well as supplementing indicators on health, education, protection, water and hygiene. The national database on commune/sangkat is collected every year from the data-book of village/commune/Sangkat and used as tool for setting up commune/sangkat investment plan.

7. In 1999, the Ministry of Social Affairs, Veteran and Youth Rehabilitation (MoSVY) set up a database system to collect information on women and children who are victims of or vulnerable to trafficking and migration. In 2007, MoSVY established a database on alternative care for children in order to gather regular data on children under institutional care. The 2010 statistics indicate that 11,939 children in total are currently under long-term care in 269 centers of which 21 are state and 248 others are NGO-run centers.

8. In 2004, the Ministry of Interior (MoI) developed the national database on sexual criminal offense in order to gather information on sexual abuse, sexual exploitation and trafficking cases, including information on victim and suspect details, which could be used as tool for case management. Later on, data on domestic violence was included in this database. The Ministry of Interior has provided hotline services to 7 capital and provinces. The database on offenses of trafficking and sexual exploitation was modified in accordance with the Law on Suppression of Human Trafficking and Sexual Exploitation.

9. In 2006, the Ministry of Justice developed the national child justice data collection and monitoring system, including the computerized database in order to monitor developments of children in conflict with the law and child victim cases at different institutions of the criminal justice system. The Ministry of Justice has implemented pilot projects on child justice data collection and database in 6 capital and provinces and is now reviewing them so that they will match with the new case registries at the model courts. This system will also be linked to the database of other criminal justice institutions.

10. In short, major data systems include:

Names of Data System	*Responsible Ministries, Institutions*	*Types of Data*
CAMInfo	Ministry of Planning	Socio-economic
Database on Repatriation of Women and Child Victims	MoSVY	Women and child victims of cross-border trafficking
Database on Sex Offences, Human Trafficking and Domestic Violence	Ministry of Interior	Reports to police, arrests, rescues, referrals to social services, victim and suspect details, of cases of sexual abuse, exploitation, trafficking and domestic violence
Database on Child Justice	Ministry of Justice	Indicators on child victims and children in conflict with the law at investigation and trial stages.

11. In 2009, in addition to the collection of data through the above mentioned data collection system, a mixed Task Force comprised of members from the Ministry of Interior, Ministry of Justice and the Country Military Police conducted monitoring visits and data collection of criminal cases in 24 capital and provinces.

12. In general, the collection of data on human trafficking and sexual exploitation by the concerned ministries and institutions has been implemented through the following procedures:

- Specialized unit(s) developed information registry in capital and province;
- Completion of detailed form by hand or by computer, filling in secret code, victim's identity, suspect's identity, type of offences, actions taken, categories of decisions, etc.;
- The capital and provincial levels recorded information and data and sent them to the ministries;
- In some cases, officials from ministries went down to collect information and data in the capital and province;
- Data was then entered into the database at the ministerial levels.

13. Sexual offences in 2009 increased in comparison to other offences. Of offences investigated by the Department of Anti-Human Trafficking and Juvenile Protection, sexual offence stood for 64 percent, domestic violence 20 percent, sexual exploitation and pornography 11 percent and human trafficking 5 percent. So far, there has been no national survey and database which can clearly determine the number and incident of the sale of children, including transfer of children for the specific purpose of sexual exploitation and the transfer of organs of children for profit, and the engagement of children in forced labour; and there has been no clear data on children adopted through the efforts of intermediaries using methods incompatible with Article 21 of the Convention on the Rights of the Child and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. Due to the nature of the offences and socio-psychological

factors of victims and their families, fewer offences of trafficking were reported to the competent authorities.[1]

14. From 2005 to 2009, the AHTJP Department, the Ministry of Interior achieved the following results:

	2005	*2006*	*2007*	*2008*	*2009*
1. Total relevant (confirmed cases reported - including hotline	665	967	576	614	640
2. Cases investigated	612	896			635
3. Cases cleared and sent to court	398	614	529	438	594 (535 suspects sent to court)
4. Offenders arrested	431	670	582	496	595 (out of 723 total suspects) (8 percent of total suspects are foreigners)

Victims Rescued and Provided Assistance by AHTJP, 2005–2009

	2005	*2006*	*2007*	*2008*	*2009*
1. Number of Victims Assisted/ Rescued					
Below 15	202	241	198	155	198
15 to 17	101	213	76	119	126
18 and above	312	330	497	673	467
Total	**615**	**784**	**771**	**947**	**791**
2. Assistance Provided					
Referral to MoSVY	91	119	130	317	74
Referral to NGOs	222	177	58	88	57
Entrusted to family	302	488	583	543	669
Total	**615**	**784**	**771**	**948**	**800**

15. From October 2009 to October 2010, the General Commissariat of National Police and the Country Military Police achieved the following results:

Categories of Offences	*Number of Cases Suppressed*	*Number of Victims*	*Number of Perpetrators*
Unlawful Removal, inter alia, of Minor	6	5	7
Unlawful Removal with Purpose	6	22	10
Unlawful Removal for Cross-border Transfer	24	195	34
Unlawful Recruitment for Exploitation	0	0	0
The Act of Selling, Buying or Exchanging a Human Being	5	4	9
The Act of Selling, Buying or Exchanging a Human	3	4	6

[1] Source: Department of Anti-Human Trafficking and Juvenile Protection.

Categories of Offences	*Number of Cases Suppressed*	*Number of Victims*	*Number of Perpetrators*
Being with Purpose			
The Act of Selling, Buying or Exchanging a Human Being for Cross-border Transfer	2	2	2
Transportation with Purpose	0	0	0
Cross-border Transportation (The Act of Bringing a Person Cross-border)	3	20	3
Abduction (Arrest), Detention or Confinement	3	64	4
Purchase of Child Prostitution	15	43	22
Procurement with regard to Child Prostitution	3	5	9
Procurement of Prostitution	19	121	34
Procurement of Prostitution (minors)	2	6	6
Procurement of Prostitution (aggravating circumstances)	8	32	9
Procurement with regard to Child Prostitution	6	55	9
Provision of Premise for Prostitution	15	111	20
Pornography	6	44	18
Child Pornography	2	1	2
Sexual Intercourse with Minors under Fifteen Years	26	25	27
Indecent Act against Minors under Fifteen Years	7	9	10
Total	**161**	**768**	**241**

Source: National Committee to lead the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children.

16. Victims were referred to:

- Capital and provincial Social Affairs, Veteran and Youth Rehabilitation: 351
- NGOs: 13
- Families or guardians: 404.

17. In 2009, the capital and provincial courts of the first instance prosecuted 112 offenders by imprisonment.

18. In 2010, the capital and provincial courts of the first instance have taken actions on 87 human trafficking and sexual exploitation cases in which there are 122 suspected persons. Among those cases, 55 cases were tried and 76 perpetrators were sentenced:

Categories of Offences	*Number of Cases*	*Number of Perpetrators*
Unlawful Removal, inter alia, of Minor	3	3
Unlawful Removal with Purpose	4	5
The Act of Selling, Buying or Exchanging a Human Being	3	3
The Act of Selling, Buying or Exchanging a Human Being with Purpose	2	7
Unlawful Recruitment for Exploitation	1	1
Procurement of Prostitution	13	20
Procurement of Prostitution (minors)	4	8
Procurement of Prostitution (aggravating circumstances)	2	2

Categories of Offences	*Number of Cases*	*Number of Perpetrators*
Provision of Premise for Prostitution	2	2
Pornography	1	2
Purchase of Child Prostitution	10	13
Sexual Intercourse with Minors under Fifteen Years	5	5
Indecent Act against Minors under Fifteen Years	5	5
Total	**55**	**76**

Source: National Committee to lead the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children.

19. The type of exploitation in the Kingdom of Cambodia includes Labour Exploitation and Sexual Exploitation.

20. Due to the hidden nature of prostitution and limited civil registration, there has been no clear indicator with regard to the number of persons under the age of 18 engaged in prostitution in the Kingdom of Cambodia.

21. The Kingdom of Cambodia adopted a tough law to address the problem of pornography, however there remain those hidden activities and exploitation. Offenses in relation to commercialization in showing/performing, selling, renting the non-visa videos in violation of the copyrights and showing some pornographic videos, etc., have been effectively responded to through combating operations (suppression campaigns). But some perpetrators post pornography, among other things, in websites, copy it in electronic devices and hand phones, and store it in video compact discs (VCDs).

22. In general, pornographic depictions of persons under the age of 18 are depicted in real pictures whose sources are unknown. Live pornographic performance is prohibited by laws and has been completely suppressed since 2007. Up to 2008, there were 2,618 cases where the vendors were instructed and contracted with (issued cautions with an agreement) for termination of illegal business and 102 illegal video show shops closed down. Some cases were referred to courts for prosecution according to the procedures. The Inter-ministerial Committees in all capital and provinces have launched suppression campaigns and confiscated and destroyed 97,549 copies of the banned CDs, including video cassettes and equipment used by offenders to produce and disseminate pornography, with confiscations of hundred thousands of CDs and VCDs. The capital and provincial STST committee informed owners of karaoke businesses, guest houses and hotels to report to competent authorities in case of any suspicion of activities concerning child prostitution and pornography for immediate check.

23. The Kingdom of Cambodia has set up and is making efforts to fully operationalize its database concerning the number of charges and convictions of the above offences by disaggregating the data according to the nature of sexual offences as prescribed in the Criminal Code and the Law on Suppression of Human Trafficking and Sexual Exploitation. To achieve and sustain this work, however, it requires more time, human resources and additional budget.

III. General measures of implementation

24. Laws, legal/normative documents, jurisprudences, policies, which have been adopted by the Kingdom of Cambodia are as follows:

(a) Article 31 of the Constitution of the Kingdom of Cambodia states "The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the Charter of the United Nations, the Universal Declaration of Human Rights and the covenants and conventions related to human rights, women's and children's rights." Article 48 provides that, "The state shall protect the rights of children as stipulated in the Convention on the Rights of the Child, in particular, the right to life, education, protection during wartime, and from economic or sexual exploitation";

(b) The Constitutional Council issued a Decision No. 092/003/2007 determining that the international laws already recognized by the Kingdom of Cambodia, especially the Convention on the Rights of the Child, are to be incorporated as parts of the national laws to which the judges must refer in trying cases;

(c) The Royal Kram No. NS/RKM/0110/001, dated 26 January 2010, on the Approval of the Treaty on Mutual Legal Assistance in Criminal Matters;

(d) The Law on Suppression of Human Trafficking and Sexual Exploitation promulgated by the Royal Kram No. NS/RKM/0208/005, dated 15 February 2008. The objective of the law is to suppress the acts of human trafficking and sexual exploitation in order to protect the rights and dignity of human beings, to improve the health and welfare of citizens, to preserve and enhance good national customs, and to implement the United Nations protocols or instruments or other international agreements in respect of human trafficking in Cambodia. To strengthen the law's enforcement, the Ministry of Justice issued Instruction No. 978 PR.T, dated 10 September 1997, on Principles on Suppression of a number of illegal acts, and Instruction No. 700 KCPR.T dated 1 July 2005 on the Prosecution and Punishment of Persons Committing Human Trafficking and Sexual Exploitation;

(e) The Code of Criminal Procedure promulgated by the Royal Kram No. NS/RKM/0807/024, dated 10 August 2007, has an objective to clearly define the rules to be strictly followed and applied in order to clearly determine the existence of a criminal offence. The provisions of this Code apply to criminal cases unless there are special rules set forth by separate laws;

(f) The Penal Code promulgated by the Royal Kram No. NS/RKM/1109/022, dated 30 November 2009, has an objective to specify the offences, point out the persons who could be declared as responsible for the offences and determine the penalties for their application.

(g) The Law on Tourism promulgated by the Royal Kram NS/RKM/0609/007, dated 10 June 2009, has an objective to determine rules and mechanisms for management and development of tourism;

(h) The Law on Prevention of Domestic Violence and Protection of Victims promulgated by the Royal Kram No. NS/RKM/1005/031, dated 24 October 2005, sets out legal mechanisms to prevent domestic violence and to protect victims of domestic violence and is aligned with the Convention on the Elimination of All Forms of Discrimination against Women;

(i) The Law on Inter-Country Adoption promulgated by the Royal Kram No. NS/RKM/1209/024, dated 3 December 2009, has an objective to determine the principles, conditions, procedures, formalities and effects of inter-country adoption;

(j) Law on Drug Control promulgated by the Royal Kram No.NS/RKM/0197/01, dated 24 January 1997, and the Law on Amendment of the Law on Drug Control promulgated by the Royal Kram No. NS/RKM/0505/014, dated 09 May, 2005;

(k) The Royal Government has issued released :

(i) Guidelines No. 001 SNN BDRPP, dated 28 October 2008, on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation to ensure the effective, transparent and just implementation of this law;

(ii) Sub-decree No. 63 ANK.BK, dated 4 September 2000, on Management and Control of Arts, Cinema and Video which sets out fines on persons who show, edit, make images, copy, narrate, rent, sell and distribute pornographic video compact discs and on perpetrators and co-perpetrators who produce pornographic video;

(iii) Decision No. 10 SSR, dated 2 February 2001, on the Establishment of the Inter-ministerial Committee on Suppression of Offences concerning Cinema and Video in the Kingdom of Cambodia;

(iv) Decision No. 57 SSR, dated 4 September 2009, on the Establishment of a Task Force to Oversee Actions Taken against Criminal Cases at various law enforcement units

(l) Moreover the Royal Government issued Sub-decree No. 183 ANKR.BK, dated 3 November 2008, on Determining Formalities and Procedures for Marriage between a Cambodian Citizen and a Foreign National, and Instruction No.01 SNN dated 12 January, 2009 on the implementation of this Sub-decree. As for the Ministry of Interior, it issued Decision No. 2729 SSR, dated 19 August 2009, on the Establishment of a One-window Service Task Force to oversee and register marriages between Cambodian citizens and foreign nationals;

(m) In ensuring good cooperation between state institutions and agencies supporting victims, the Ministry of Interior, MoSVY, Ministry of Justice, Ministry of Women's Affairs, Ministry of Health and 24 agencies supporting victims signed an agreement on 6 February 2007 on Guidelines for Implementation and Cooperation between relevant government institutions and agencies in support of victims of human trafficking cases;

(n) The Ministry of Justice issued Guidelines, dated 19 August 2005, on the Implementation of Principles of applicable National and International Laws regarding the Protection of Victims. The guidelines incorporated many provisions from the Convention on the Rights of the Child, international laws concerning juvenile justice and protection of victims of criminal offence;

(o) Guideline No. 01 KYSNN/09, dated 23 February 2009, of the Minister of Justice on the Application of Article 42: Sexual Intercourse with a Minor under Fifteen Years and Article 43: Indecent Act against a Minor under Fifteen Years, of the Law on Suppression of Human Trafficking and Sexual Exploitation.

(p) Prakas No. 179 B.T, dated 18 September 2000, on Licensing Internet Service Providers;

(q) Prakas No. 62 KYBrK/08, dated 6 October 2008, on Use of Court Screen and TV-Linked Testimony from Child/Vulnerable Victims or Witnesses;

(r) Circular No. 009 S.AY, dated 28 September 2007, on Reintegration and Monitoring of Victims Residing in State and NGO-run Centres;

(s) Ministry of Labour and Vocational Training has a Child Labour Department. The ministry established the National Plan of Action on the Elimination of the Worst Forms of Child Labour 2008–2009 whose objective is to eliminate the worst forms of child labour.

25. Social protection is one element of the updated National Development Plan 2009-2013 of the Royal Government. A number of policies have been adopted to provide

protection to child victims, such as the National Five Year Plan against trafficking and sexual exploitation of children, Policy and Minimum Standards on Protection of the Rights of Victims of Trafficking and National Policy on Alternative Care for Children.

26. The first 5-year National Plan was promulgated by Prakas No. 01 SBRK, dated 6 April 2000, on Measures of Appointment and Implementation of the 5-year National Plan against trafficking and sexual exploitation of children.

27. The Ministry of Social Affairs, Veterans and Youth Rehabilitation issued the Policy and Minimum Standards on the Protection of the Rights of Victims of Human Trafficking No. 062 SAY, dated 31 August 2009. This policy and minimum standards provide concepts concerning model protection and general policy on the protection of the rights of victims of human trafficking.

28. The Ministry of Social Affairs, Veteran and Youth Rehabilitation issued a National Policy on Alternative Care for Children No. 907 SAY, dated 26 April 2006. This policy provides different types of alternative care for children without primary caregivers and sets out principles for alternative care. The ministry issued Prakas No. 852 SAY, dated 31 August 2009, on the Implementation of the Policy on Protection of the Rights of Victims of Human Trafficking.

29. The Cambodian National Council for Children issued Decision No. 107 K.C.K.K, dated 20 December 2007, on Principles for the Protection of the Rights of Child Victims of Trafficking and Assisting Child Victims of Trafficking to help children access their fundamental rights, receive appropriate services to make their life better, receive vocational training and ensure sustainability of their livelihood by eliminating any abuses and mistreatment.

30. The Royal Government of Cambodia determined in the Policy on Tourism Development that tourism is natural and cultural tourism. There is no encouragement of sex tourism. Child sex tourism is absolutely prohibited as a government policy. The Ministry of Tourism has continuously developed action plans, measures and instruction circulars, particularly the Law on Tourism, with a view to preventing human trafficking. In 2001 the ministry established a Child Safety Committee in Tourism Sector and created its networks in 24 capital and provinces in order to strengthen effectiveness of prevention and elimination of sexual exploitation and child and young women exploitation in the tourism sector through two major measures, that is, educational and administrative measures, and had persons who committed human trafficking through the tourism sector prosecuted.

31. The Royal Government of Cambodia has set up a number of institutions and mechanisms for implementing policies and national action plans with regard to the protection of children as well as this protocol. Those institutions include:

(a) The Cambodian National Council for Children (CNCC), which is a coordinating body that provides comments to the Royal Government on work related to child survival, development, protection, promotion of welfare and child participation in implementing action plans relating to the implementation of the Convention on the Rights of the Child;

(b) The Royal Government issued Sub-decree No. 162, dated 25 September 2009, on the Establishment of the National Committee to lead the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children (STSLS). This committee serves as headquarters of the Royal Government for combating human trafficking, human smuggling, human labour exploitation and sexual exploitation of women and children. The committee has a Secretariat, six inter-ministerial Technical Working Groups to assist it in implementing the national action plans, and its sub-committees at the capital and provincial level;

(c) The Royal Government has issued Decision No. 71 SSR, dated 20 November 2009, on the Establishment of a Cambodian Working Group against Human Trafficking in the Greater Mekong Sub-region (GMS), called *Cambodian COMMIT Task Force*. This Task Force has a duty to cooperate with the secretariat of the United Nations Inter-Agency Project on Human Trafficking in GMS, with an office in Cambodia and regional office in Bangkok, and other partners in coordinating every national and regional activity concerning human trafficking and migration, in particular with the STSLS Committee;

(d) The Ministry of National Defence has established the Office on Anti-Human Trafficking and Juvenile Protection under the command of the Country Military Police. This Office has the following duties:

(i) Control/investigate offences of human trafficking, sexual exploitation; determine and arrest offenders as well as gather evidence and file and forward the case to the court;

(ii) Take charge in implementing court orders concerning offences of human trafficking;

(iii) Receive complaints about offences of human trafficking from all sectors of society and take action on those complaints according to procedures;

(iv) Examine and collect results of anti-human trafficking activities of capital and provincial units and report to the superior;

(v) Cooperate with relevant offices and units to fulfil the specialized tasks;

(vi) Cooperate in and coordinate the education and rehabilitation of victims of human trafficking;

(vii) In addition, perform other tasks given by the head of the commissariat;

(e) The Ministry of Interior established the Department of Anti-Human Trafficking and Juvenile Protection in 2002 that has subordinate offices and sections in every capital and provincial police headquarters. This specialized department has a duty to suppress offences and protect victims of human trafficking and sexual exploitation. The department has set up a 24-hour hotline for receiving complaints from victims;

(f) The Ministry of Social Affairs, Veteran and Youth Rehabilitation established the Anti-Human Trafficking and Reintegration Office in 2006. This office has a duty to identify, protect, search, evaluate, reintegrate, refer, and provide a support system for victims of trafficking, exploitation, violence, and all other forms of abuses;

(g) The ministry also set up a National Multi-Sectoral Task Force on Orphans and Vulnerable Children in order to strengthen the implementation of the four-cluster rights of orphans and vulnerable children, as well as provide technical, administrative and programmatic support, and take charge in supporting the creation, implementation and monitoring of the national action plan for orphans, children affected by HIV/AIDS and other vulnerable children.

(h) The Ministry of Women's Affairs has several structures that deal with issues concerning women, which include gender mainstreaming into the exercise of rights in performing work and governance. The ministry has focused on building the capacity of women who work in government institutions through training on 5 areas: (1) empowering women in the economy; (2) educating women and girls and changing their attitude and behaviour; (3) legal protection for woman and girls; (4) health and nutrition for women and girls and prevention of the spread of HIV/AIDS and (5) women in decision-making in public and political sectors, legal assistance, disseminating information and advocacy. The

ministry has a village fund programme that assists families of rescued children and people who are vulnerable to violence, rape, sexual exploitation and labour exploitation.

Dissemination of and training on the Optional Protocol

32. The Kingdom of Cambodia has disseminated the content of the Optional Protocol to concerned institutions as well as to the mass media so that it could be fully disseminated to the population, including children. The content of the Optional Protocol is an important basis for continuing to enhance the understanding of and seek support from local authorities and communities as well. Also, the CNCC, which is the government's relevant arm, also has a duty to carry out the dissemination and manage as well as monitor the implementation of this Optional Protocol. CNCC has published materials on the subject of the Optional Protocol for use in the dissemination.

33. Such dissemination is being carried out and coordinated between government institutions and civil society organizations by incorporating the Optional Protocol substance into many training courses for social work agents and law enforcement officers.

34. The Ministry of Education, Youth and Sports of the Kingdom of Cambodia has integrated the Convention on the Rights of the Child into their school curriculum and the MoSVY has integrated the Convention into the social work training curriculum too. Police, court officials and other practitioners have been trained on provisions of the Penal Code relating to offences against children.

35. The Ministry of Interior issued guidelines that instructed provincial and district governors to consider women's and children's issues as their priorities and incorporate them into their meeting agendas, and make a periodic report about the progress on key interventions. A number of workshops have been organized for decision-makers where the importance of taking simple and measurable actions for children and women through collaboration among provincial authorities, key social service providers and commune/Sangkat council members was discussed.

36. The Ministry of Education, Youth and Sports has disseminated preventive measures and a plan against human trafficking to students at schools and higher education institutions throughout the country including informal educational programmes, and has carried out a programme that monitors the safety of children at school. At the same time, the ministry has launched a programme that educates communities including mothers, fathers or guardians of school children and those of students in order to enhance their understanding, vigilance and protection of children from trafficking.

37. Since the commune/sangkat elections in 2002, all Commune/sangkat Councils in the country have selected a Commune Focal Point for Women and Children (CFPWC) to ensure that women and children's issues are included in respective planning and decisions at the decentralized level (commune/Sangkat). Starting in 2004, the Commune Committees for Women and Children (CCWC) were established and piloted in 203 communes/sangkats in the capital and provinces, supported by UNICEF which acts as advisory body to Commune/Sangkat Councils on all women and children-related issues. Presently, this committee has been established in all communes/sangkats throughout the country. Training modules on child rights, health, education and child protection were developed to train commune/Sangkat council members to deepen their understanding on the rights of the child, services provided by the government and how commune/Sangkat councils can contribute to improving the delivery and utilization of these services.

38. The United Nations Inter-Agency Project on Human Trafficking has been carrying out its work in 6 GMS countries, Cambodia, Thailand, China, Vietnam, Burma and Laos, by building knowledge on strategy to combat human trafficking both at national and

regional levels of government officials who are currently working to combat human trafficking as well as support for activities of the Cambodian Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) working group.

39. The Kingdom of Cambodia has given due attention to the dissemination of information and provision of training to raise general awareness on the prevention and fight against human trafficking, in particular trafficking in children, such as:

(a) Raising public awareness about the law, law enforcement and government policies through organizing public forums in the capital and provinces;

(b) Organizing technical training for law enforcement officers, including specialized police, prosecutors, and judges about investigation, prosecution and sentencing techniques as well as the technique on how to encourage the witness/victim to testify before the court. In 2009, the Ministry of Justice disseminated the instruction on the implementation of Articles 42 and 43 of the Law on Suppression of Human Trafficking and Sexual Exploitation to all capital and provincial courts of first instance;

(c) Coordinating cooperation with the heads of anti-human trafficking units of the three countries (Cambodia, Vietnam and Thailand) through their periodic meetings and providing training to front-line officials that include border guard regiment, police forces, local authorities, concerned sections/units, and national and international NGOs to increase and strengthen their control and cooperation to effectively arrest and suppress the criminal network that committed trafficking in children;

(d) Provided training to capital and provincial public officials to raise their awareness on the strategy to prevent and combat human trafficking of women and children.

40. As far as the activities of the Ministry of Social Affairs, Veteran and Youth Rehabilitation are concerned, please see para. 71 of this report.

41. The Bar Association of Cambodia has provided legal assistance and representations for victims of trafficking. The Royal Government has provided financial resources to the operation of the Bar to ensure free access by the poor to legal representation. Such assistance has also been provided by non-governmental organizations such as the Cambodia Defenders Project (CDP), Protection of Juvenile Justice (PJJ), Legal Aid of Cambodia (LAC) and other NGOs.

42. Standards, criteria and strategies for model courts were prepared by the Council for Legal and Judicial Reform. The Ministry of Justice is preparing an action plan and various court registries in order to pilot and put into operational four model courts. The Ministry of Justice set up court screens in provincial and capital courtroom of the court of first instance throughout the country. TV-Linked Courtrooms for Testimony from Child/Vulnerable Victims or Witnesses were installed in the courtrooms of five courts of first instance. At the same time, the ministry has produced instructional videos for child victims, child witnesses and children in conflict with the law regarding the role of different criminal justice actors. The Ministry of Interior has been using properly equipped child-interview rooms to interview child victims at the specialized department as well as at several other important capital and provinces. A number of courts in Cambodia, particularly Kandal court, is promoting the use of video tapes as evidence for investigating cases involving children, and not requiring child victims to appear before the court.

43. Under the cooperation with the Royal Government, the International Organization for Migration (IOM) has implemented a legal and policy support programme in five capital and provinces to enhance the capacity of the law enforcement agencies, and capital and provincial courts in handling cases related to human trafficking. The Ministry of Justice has provided training on laws relating to human trafficking and investigating skills to judges, prosecutors, police and military police.

44. To implement the law enforcement against abuse, sexual exploitation and trafficking of children (LEASTEC) project, the Department of Anti-Human Trafficking and Juvenile Protection under the Ministry of Interior in cooperation with the Coordinating Commission, UNICEF, World Vision, IOM, Save the Children Norway and the Office of the United Nations High Commissioner for Human Rights provided training of trainers, training for deputy police commissioners, specialized police, police officers positioning at borders, judicial police officers and other special police forces of 13 capital and provinces. This training was to improve investigating skills, search for evidence, rescue skill, interview technique and establishing cases for the court. At the same time, the Department has made a sensitization film entitled "The Victims" (of human trafficking) and had it broadcast on television. The Department established a 24-hour telephone hotline that receives calls in two languages, Khmer and English. Moreover up to 2007, the Department created a child-friendly interview room equipped with camera video in 10 capital and provincial police commissariats in order to help children remove or minimize their fear during interview.

45. The Department of Anti-Human Trafficking and Juvenile Protection has urged the capital and provincial special units to implement the plan No. 12 dated 17 July 2007 of the Ministry of Interior, which includes 4 major measures: (1) Manage and monitor the situation; (2) Prevent; (3) Suppress; (4) Expand and strengthen human resources. In good cooperation with the units of MoEYS, Ministry of Women's Affairs, Ministry of Tourism, and local authorities, capital and provincial special units of the Department have educated students and citizens about the laws, tricks, and activities of the offenders so as they cooperated with and provided them with information that led to the arrest of the offender. In cases that involve foreign perpetrators, the Department cooperates with the foreign embassies or consular offices to Cambodia to bring them to trial.

46. In 2009 judicial police officials from the Anti-Human Trafficking and Juvenile Protection Department and the 10 capital and provincial Offices of Anti-Human Trafficking and Juvenile Protection were provided on-the-job training on case management and follow up in the investigation and referral of cases of trafficking, sexual abuse, exploitation and domestic violence. Police training manuals were updated by incorporating relevant provisions related to the Criminal Procedure Code and Law on Suppression of Human Trafficking and Sexual Exploitation. Two national workshops were organized and participated in by representatives from the Anti-Human Trafficking and Juvenile Protection Department and units from 24 capital and provinces in order to exchange experiences and lessons learned in dealing with cases of sexual abuse, sexual exploitation and violence against children and women, and to review laws and investigation techniques. A total of 950 police inspectors, deputy police inspectors, chiefs of police administrative posts and deputy chiefs of police administrative posts from 10 capitals and provinces received advanced trainings on legal procedures and investigation skills and on cooperation with other local authorities. More than 1,700 judicial police officials were trained at the Police Academy and its five regional police training schools to sensitize them to child sexual abuse, trafficking and sexual exploitation issues, and teach procedures in handling those cases.

47. The Ministry of Interior, Ministry of Health and Ministry of Justice organized joint and separate trainings for judicial police, medical doctors and court officials on forensic and medical investigation of child sexual abuse cases. The first training on "Forensic Medical and Welfare Aspects of Child Sexual Abuse Investigations" was held in October 2008. The follow-up training on "Forensic Medical and Legal Aspects of Child Sexual Abuse Investigation" was held in January 2010.

48. Since 2006, basic training on Children's Rights, Laws and Justice has been integrated into the training curriculum of the Royal Academy for Court Professionals and the Centre for Lawyer Training for lawyer students.

49. As of 2009, 54% of state social workers at the national, capital and provincial levels and 83% of district social workers have completed basic and professional social services training. Lessons on the Roles of Social Workers in the Child Justice System were incorporated into the basic and professional social services training of MoSVY.

50. In 2009 the Ministry of Justice organized a Multi-sectoral Training Workshop on Child Justice for 35 focal point trainers comprised of court officials, social workers and NGO workers.

51. There has been no specific allocation of budget for only the activity involved with the implementation of this Optional Protocol since such implementation requires the involvement of many ministries and institutions. However, the relevant ministries/institutions have integrated activities that contribute to the implementation of the Optional Protocol into their overall planning. The Cambodian National Council for Children is financed through the state budget. Its budget package is part of the annual budget of the Ministry of Social Affairs, Veteran and Youth Rehabilitation. CNCC, however, has received some financial assistance from development partners and NGOs working for/with children for their respective supported activities. CNCC does not have its own budget package and has not received any financial assistance for implementing this Optional Protocol.

52. The general strategies to eliminate the sale of children, child prostitution and child pornography and strategies for protection of victims are prescribed in:

(a) The 5-year National Plan against trafficking and sexual exploitation of children, consisting of five components as follows:

(i) Policy and Cooperation;

(ii) Prevention;

(iii) Criminal Justice;

(iv) Protection (assistance for reintegration, rehabilitation and reintegration);

(v) Monitoring and Evaluation;

(b) Policies and minimum standards on protection of the rights of victims of human trafficking;

(c) National Policy on Alternative Care for Children.

53. The Royal Government issued a Letter No. 1748 SCN AV dated 7 December 2007 considering 12 December as the Day of Anti-Human Trafficking.

54. The civil society organizations have extensively contributed to the efforts made to eliminate the sale of children, child prostitution and child pornography. Direct services such as rehabilitation service, reintegration service, awareness raising and legal services etc, have been provided to children by national and international NGOs. Key services provided by civil society organizations include the following:

(a) The Cambodia Anti-Child Trafficking Coalition (Cambodia-Acts) has 12 organizations as its members. Members of this coalition organization operate in 10 capital and provinces. Programmes and activities run by the Cambodia Acts and its members include but are not limited to the following:

(i) To participate in the Anti-Human Trafficking Day of 12 December every year;

(ii) To disseminate the Convention on the Rights of the Child and this Optional Protocol to the community;

(iii) Push for the adoption of the Law on Suppression of Human Trafficking and Sexual Exploitation through the Ministry of Women's Affairs;

(iv) Provide training on the Convention on the Rights of the Child and the Optional Protocol to journalists and police officers at capital and provincial levels;

(v) Provide legal assistance through 3 lawyers to represent victims;

(vi) Offer counseling services to victims and financial assistance to start a business and make referral to vocational training when appropriate;

(vii) Carry out a village safety network programme that promotes school attendance of children, eliminate violence and gambling. This programme gives loans to people so that they can create employment. The coalition and members run other programmes such as promoting law enforcement, educating the community to be aware of the trafficking, peer education and collecting information and data;

(b) The NGO Coalition to Address (Sexual) Exploitation of Children in Cambodia (COSECAM) has 25 NGO members. Members of this coalition organization provide prevention, legal, rescue, rehabilitation and reintegration services for victims. COSECAM and its members have been carrying out 3 major projects in 9 capital and provinces, such as:

(i) Raising awareness about the rights of the child, sexual trafficking and exploitation to children and poor citizens in the communities of 9 capital and provinces, technical staff of the government institutions, organizations, school children of formal and informal education, through mobile library, dissemination meeting, distribution of leaflets, video show, and dissemination via radio and television;

(ii) Providing vocation training to poor children in a number of communities so that they have jobs and not become vulnerable to being sexually trafficked and exploited;

(iii) Coordinating case management in 5 capital and provinces;

(c) End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) International has 29 NGOs as its members. Members of this coalition organization work in 19 capital and provinces. Programmes and activities run by this coalition and its members include but are not limited to the following:

(i) Preventing human trafficking through awareness raising about human trafficking to decrease risk of trafficking;

(ii) Protection: cooperate with police to rescue and provide rehabilitation to child victims and vulnerable children. Provision of vocational training, informal education, legal, health and care services to child victims and vulnerable children;

(iii) Since 2005 until the present time, ECPAT has cooperated with COSECAM and the NGO Committee for the Rights of the Child (NGO-CRC) to collect data on sexual trafficking and rape;

(iv) 10 NGO members have been carrying out Youth Partner Project in 2009 in Phnom Penh Capital. This project has educated youth victims and vulnerable youth about sexual exploitation of children and provided vocational training, etc.

(d) The NGO Committee on the Rights of the Child (NGO-CRC) has 49 NGOs as its members. Furthermore:

(i) This NGO-CRC committee has 2 major programmes:

- Monitoring on the implementation of the Convention on the Rights of the Child, which has been conducted since 2008 all over the country and
- Advocacy for child participation, which has been carried out since 2006 until now in 11 capital and provinces

(ii) The NGO-CRC committee has organized several events to educate the public on sexual trafficking issues by producing banners, organizing short role plays, questions & answers, and distribution of leaflets and flipcharts produced by NGO members. In addition, the organization has cooperated with ECPAT and COSECAM to compile a joint database on rape and sexual trafficking in Cambodia;

(e) KAPE, Mith Samlanh, The Asia Foundation and World Education have signed MOUs with MoEYS and implemented the OPTIONS programme in Prey Veng, Kampong Cham, Banteay Meanchey, and Phnom Penh, that has increased and promoted equal education for girls who are facing risk and sexual trafficking through formal and informal education. The World Education has educated the communities about sexual trafficking and exploitation of children and changed their attitudes towards children, particularly girls living in poor households so that their children can go to school;

(f) The International Labour Organization / International Programme on the Elimination of Child Labour (ILO/IPEC) and the Mekong Subregional Project to Combat Trafficking in Children and Women (TICW) have acted together with the Royal Government, the association of employers, trade unions, the United Nations, and NGOs to eliminate sexual trafficking and exploitation of women and child labor, and promoted safe migration through reducing vulnerability. This activity was conducted with the persons living at the highest risk locations where they may unknowingly fall into being a victim by informing them of risks related to uninformed and unprepared migration. This project supported the government institutions of all levels to develop and maintain safe migration, focused their attention towards children and women who are poor, lack of education, and are vulnerable to sexual and labor exploitation. The project supported a programme that helps vulnerable children and young women improve the quality of their lives.

55. Since 2006, The Asia Foundation has implemented a Countering Trafficking in Persons Program (CTIP) which comprises of 4 components: prevention, protection, cooperation and coordination and prosecution. This project supports provincial Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children (STSLS) committees in educating local people and local authority about the issues of human trafficking, safe migration and raising their awareness about offenders' tricks. Through this programme the Ministry of Social Affairs, Veteran and Youth Rehabilitation provided training in 2010 on policies and minimum standards on protection of the rights of victims of human trafficking to:

(a) 28 trainers;

(b) 50 STSLS national officials; and capital, provincial and district social workers from 24 capital and provinces.

56. This programme has offered 3 training courses on the same topic to NGOs and mainstreamed such training courses into a training programme on minimum standards on alternative care for children. The training on policies and minimum standards on protection of the rights of victims of human trafficking is planned to be incorporated into a social work training programme. Tools for monitoring, follow-up and evaluation of the effectiveness of the implementation of policies and minimum standards have been drafted and are planned to put into operation in 2011. The programme has been piloted by allowing counselors to use assessment tools to assess the level of psycho-social depression of child victims of sexual exploitation.

57. The Cambodian Human Rights Committee is the Royal Government's institution that is tasked to preserve, protect, develop and uphold human rights in Cambodia in accordance with the Constitution of the Kingdom of Cambodia. Its role is to:

(a) Protect, uphold and promote human rights and democracy in Cambodia; oversee any violation of human rights and complaints;

(b) Offer comments and proposals to the Royal Government about the situation of human rights for improvement and for greater compliance with the Constitution, national laws and international conventions;

(c) Cooperate with the Cambodian National Council for Children and Ministry of Women's Affairs which are institutions responsible for children's and women's rights;

(d) Support and cooperate with civil society organizations for the cause of protection and development of human rights in Cambodia; among other things.

IV. Prevention

58. In general, sexual exploitation of children has been continuously happening in any part of the world. Many countries are developing relevant laws and taking measures to eliminate this problem. As for the Kingdom of Cambodia, the Royal Government continuously incorporated this issue in the political platform, laws development, and measures and action plans to prevent this issue. While implementing these measures, the Royal Government of Cambodia made efforts to promote the implementation of poverty reduction strategy and improvement of social welfare as priority by focusing on nutrition, welfare and education. To implement this strategy, the government ministries and institutions have developed a lot of programmes in good cooperation with key development partners as well as NGOs. The Council for Agriculture and Rural Development had developed the National Social Protection Strategic Plan which is approved by the Royal Government in April 2011.

59. According to the Policy on Alternative Care for Children, children living in one or more types of vulnerable situation as described in the following are considered as children in need of special protection or children at risk. Children in special need include: orphans, abandoned children; children with HIV/AIDS or children affected by HIV/AIDS; physically, sexually or mentally abused children; street children; children in conflict with the law; children who have suffered from sexual exploitation or hazardous form of labour; children with disability; children addicted to addictive substances and children who have no access to physical basic needs. The type of children at risk is linked to a number of matters such as extreme poverty, family separation, alcohol abuse, gambling, domestic violence, school dropping-out, settling in a new location, and living with people who are not their biological parents. The identification of children vulnerable to the sale of children, child prostitution and child pornography is based on these criteria.

60. MoSVY has developed and is testing its draft Prakas on the Procedures for Implementing the Policy on Alternative Care for Children and mechanisms on the functioning of a child welfare system in 5 provinces (Kompong Speu, Kompong Thom, Battambang, Prey Veng and Svay Rieng). Local mechanisms are being tested to identify vulnerable families and children; to provide family support and referral services in order to prevent family separation or disintegration; and to find alternative community-based solutions for vulnerable children.

61. From 2001 to 2009, the Ministry of Women's Affairs, in cooperation with IOM and USAID, implemented programmes on prevention of all forms of trafficking of women and children with focus on four components, described below.

1. Legal, economic and social training

62. Provided training on economic and social related issues in relation to trafficking in women and children and migration; and training on the Law on Suppression of Human Trafficking and Sexual Exploitation for officials of MoWA and relevant ministries and institutions in 24 capital and provinces.

2. Information system, policy and advocacy

Information System

63. Provided training to officials of MoWA to produce the "Nearyratanak" radio programme concerning the law, human trafficking and migration, and dissemination materials; the Ministry did the dissemination nationwide, and in Svay Rieng and Koh Kong through FM radio. In 2009, the Ministry conducted dissemination of the new Law on Suppression of Human Trafficking and Sexual Exploitation via radio and TV.

Policy and advocacy

64. Conducted advocacy in order to:

(a) Urge the government to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(b) Incorporate the provisions of the relevant United Nations Protocol in the draft law;

(c) Implement the MOU between the Royal Government of Cambodia and the Royal Government of Thailand on Bilateral Cooperation to Suppress the Trafficking of Children and Women and Support to Victims of Trafficking; and between Cambodia and countries in the Mekong Sub-Region;

(d) Make arrangements for the signing and implementation of the 2005 agreement between Cambodia and Vietnam on Cooperation on Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking. In 2010, the ministry was advocating for signing an MoU between Cambodia and Malaysia on Cooperation in Combating Trafficking in Persons.

3. Dissemination campaign and activities at village level

Dissemination campaign

65. From 2001 to 2006, MoWA carried out a campaign to disseminate information concerning human trafficking, migration and the law among citizens in the targeted communities throughout 24 capital and provinces through Video show, comedy shows, questionnaires, award, and distribution of dissemination materials that contain educational messages such as T-shirts, caps, billboard and leaflets to around 109,340 participants.

Activities at village level

66. From 2007 to 2009, MoWA provided training for 878 officials from the ministry, provincial stakeholders and local authorities in Prey Veng, Svay Rieng, Bantey Meanchey, Oddor Meanchey and Koh Kong, and conducted dissemination 132 times with the participation of 7,962 villagers. In addition, MoWA cooperated with MoEYS to provide training for 129 school directors and teachers of the capital and provincial Departments of Education, Youth and Sports of Prey Veng, Bantey Meanchey and Koh Kong, and had the subject disseminated in schools to 22,355 school children. In 2010 the Ministry

disseminated safe migration in 10 villages of Malai district, Bantey Meanchey with a total of 560 participants.

4. Poverty reduction activities

67. From 2006 to 2009, MoWA made efforts to contribute to the reduction of poverty which is a factor affecting human trafficking and exploitation through a pilot Village Fund Programme (fund for the increase of incomes and emergency) in order to improve the livelihood of families vulnerable to trafficking and risk migration in 10 villages of Kompong Roar district, Svay Rieng province. The total fund was increased from US$8700 in 2006 to US$9,337 in 2009, and 873 families received resources from the fund for the increase of incomes or loan while 121 others received the emergency fund.

68. In the meantime, the ministry runs a vocational training programme on stitching/sewing for employment opportunity in a garment factory for those who cannot continue their education by which 569 people received training (80% got job) and 56 people received motorcycle and non-heavy machine repair training.

69. This programme has continued until now, although the support from partner organizations finished in 2009. Moreover, 200 vulnerable families out of 800 in the 14 targeted villages of Sithor Kandal district of Prey Veng province and Chantrea and Kompong Roar districts of Svay Rieng province benefited from the programme through training on agriculture technique, the creation of group for production and sale of palm sugar at commune level, the creation of saving group, the creation of farmer association, organization of workshops to share experiences, full session of village meeting, provision of advice at the family level and study visit.

70. To protect victimized children in Cambodia, the Cambodian National Council for Children (CNCC) has fulfilled its duties as follows:

(a) The National First Plan of Action (NPA) against Trafficking and Sexual Exploitation of Children 2000–2008 has been successfully completed; the CNCC has prepared a draft for the Second NPA on the Suppression of Human Trafficking and Sexual Exploitation with focus on 5 programmes, i.e. (1) Strengthening of policy implementation and cooperation, (2) Prevention, (3) Criminal Justice, (4) Protection – assistance to repatriation, rehabilitation and reintegration back to the community, and (5) Monitoring and Evaluation. In November 2007 the CNCC has handed this draft over to the National Committee to lead the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children (STSLS) to make it a national common plan. At present the Secretariat of the STSLS has finished reviewing the draft in collaboration with the COMMIT Task Force, and has submitted it to the National Committee to lead the Suppression of Human Trafficking, Smuggling, Labour and Sexual Exploitation of Women and Children for approval;

(b) In 2010, the CNCC has provided training on Principles of Protection the Rights of Child Victims of Trafficking to 180 provincial and related Officials in the provinces of Kandal, Siem Reap, Banteay Meanchey, Pursat, Battambang and Takeo so as to increase the effectiveness of the implementation of the principles and to assist children victimized by trafficking to receive their basic rights;

(c) The CNCC has taken the initiative in the review of national laws, policies and existing normative texts as well as draft laws and policies awaiting adoption and compare it with international laws and the laws of other countries so as to find out the gaps and then develop a Law on Child Protection for Cambodia, or set out a platform, policy and normative texts, or amend existing laws.

71. From 2001 to 2004, MoSVY in collaboration with UNICEF created a community-based child protection network. This programme was implemented in 5 capital and provinces: Phnom Penh capital, Battambang, Bantey Meanchey, Svay Rieng and Prey Veng. The network was implemented in 14 target districts, 69 communes and 625 villages. In 2003 the strategy and structure of this programme was rectified to ensure sustainability of the programme and to increase the protection of children at village level. From 2005 to 2008 the new revised programme was piloted in 2 provinces: Prey Veng and Svay Rieng. This programme trained various agents, local authorities and communities to work together to identify suspected persons and monitor their activities. At the same time a number of vulnerable community children received social services. A social fund was created to provide emergency assistance to vulnerable children in 408 targeted villages of the two provinces. The programme has raised awareness of the people in 14,039 villages of 184 districts in the entire country on 3 topics that included birth registration, combating sexual abuse and combating child battering.

72. The Ministry of Education, Youth and Sports has educated students on human trafficking through formal and informal education. The Ministry has run a safety monitoring programme for children at school, raised the community's awareness to be cautious about preventing children from being cheated and trafficked. Besides training and educational campaign, the Department of Informal Education of MoEYS has produced 2 manuals for informal training. The manuals cover the Convention on the Rights of the Child, and the elimination of sexual trafficking and exploitation. The manuals were used by NGOs to provide training on literacy and vocational training they conducted. In 2009, the Ministry disseminated the information about peer education, child rights, and protection from labor and sexual trafficking to 2,506 officers of the regional Pedagogy Centers, community members, students' parents and teachers in Prey Veng and Kandal provinces.

73. Since December 2008 to December 2009, the national STSLS committee showed a film titled "Combating Human Trafficking" to students of 6 faculties.

74. The Committee on Child Safe Tourism of the Ministry of Tourism cooperated with relevant ministries and institutions, such as Ministry of Interior, Ministry of Justice, Ministry of Women's Affairs, Ministry of Labor and Vocational Training, MoSVY, national and international organizations, and some other NGOs such as World Vision, Friends International, Aides Tous, ECPAT, ILO-IPEC/TICW, Child Wise Australia and others, to combat child sex tourism by conducting training at national, capital/provincial and local levels to government officials, police, military police, local authorities, employers and employees at various places providing tourism services, students, school children and students' parents at the community level, on the promotion of child safety in tourism. The committee also disseminated to relevant industries about the Cambodian Tourism Policy, participation in preventive measures to be taken, and explained to them about the way to communicate with the competent ministries/ institutions to rescue victims in a timely manner, and take action according to the law. In 2007, the Child Safe Tourism Committee of the Ministry of Tourism and the 24 provincial networks trained 5,184 adults and 5,970 children. In 2008, the so-called Committee has collaborated with relevant ministries/institutions and national and international organizations in the training of 2,391 adults and 458 children. Apart from training, disseminatior materials such as video spots, stickers, booklets, signboards and billboards were distributed and disseminated at the tourism communities, tourism targets, restaurants and some other capital and provinces.

75. From October 2009 to October 2010, to contribute to the prevention of trafficking, the General Commissariat of National Police:

(a) Had interviewed 1,237 couples of Cambodians and foreigners who applied for marriage, and interviewed 527 individual Cambodians;

(b) Took statistics from 1,161 owners of businesses possibly involved with sexual exploitation and made them sign a contract;

(c) Took statistics of 60 companies that recruit Cambodians to work abroad;

(d) Prevented 303 Cambodians from migrating to Thailand to seek employment.

76. While implementing the above measures, the Commissioner General of National Cambodian Police has closed down 13 karaoke parlors where pornographic video tape was shown and places where pornographic video was recorded, and destroyed 2,345 video compact discs.

77. Apart from the aforementioned ministries and institutions, other ministries and institutions of the Royal Government cooperated with competent authorities of all levels, including regions bordering with neighbor countries, conducted dissemination to prevent and eliminate trafficking, and to inform about the tricks of perpetrators among armed forces and local people nationwide.

V. Prohibition and related matters (arts. 3, 4 (2 and 3), 5–7)

78. The Criminal Laws in force that cover and define the acts and activities related to the sale/trafficking of children, child prostitution and child pornography include the laws described below.

79. **The Law on suppression of human trafficking and sexual exploitation**. The Law on suppression of human trafficking and sexual exploitation defines criminal provisions that cover all acts or specific activities enumerated in Article 3, paragraph 1 of this Optional Protocol. The criminal provisions related to the sale of children prescribed in the Law on Suppression of Human Trafficking and Sexual Exploitation include:

(a) According to the law on Suppression of Human Trafficking and Sexual Exploitation, the act of selling a person means unlawful delivery of the control over a minor to another or unlawful receipt of the delivery of the control over a minor from another in exchange of anything of value including any services and persons. The Law defines other forms of exploitation which include: the exploitation of the prostitution of others, pornography, commercial sex act, forced labour or services, slavery or practices similar to slavery, debt bondage, involuntary servitude, child labour or the removal of organs (Article 10, para. 3);

(b) The selling of a person shall be punished with imprisonment from 2 to 5 years;

(c) Any person who unlawfully draws another with the purpose of profit making, sexual aggression, production of pornography, marriage against the victim's will, adoption or any other form of exploitation shall be punished with imprisonment from 7 to 15 years. In case the victim is a minor, the punishment with imprisonment shall be from 15 to 20 years;

(d) Any person who sells another person for the purpose of delivering or transferring that person to outside the Kingdom of Cambodia shall be punished with imprisonment from 7 to 15 years. Any person who sells another person in a country outside of the Kingdom of Cambodia for the purpose of delivering or transferring that person to another country shall be punished with imprisonment from 7 to 15 years. The punishment shall be 15 to 20 years imprisonment in case the person is a minor.

80. **The Penal Code 2009**. The Penal Code 2009 defines criminal provisions that cover all acts or specific activities enumerated in article 3, paragraph 1 of this Optional Protocol. Those criminal provisions include:

(a) Article 321 states that "the act of abandonment by a person who has the authority to take care of a minor of less than 15 (fifteen) years of age is punishable by an imprisonment of from 1 to 5 years, and a fine of between 2,000,000 Riels and 10,000,000 Riels, if the abandonment damages the health or safety of the minor";

(b) Article 326 states that "the dishonest act of refusing to hand over a minor to a person who has legitimate rights to claim is punishable by an imprisonment of between 1 month and 1 year and a fine of between 100,000 Riels and 2,000,000 Riels";

(c) Article 327 provides that "the act of illegally taking away a minor from the person who has a legitimate care is punishable by an imprisonment of between 1 month and 1 year and a fine of between 100,000 Riels and 2,000,000 Riels. This offence is punishable by an imprisonment of between 1 year and 3 years and a fine of between 2,000,000 Riels and 6,000,000 Riels if the minor is kept outside the territory of the Kingdom of Cambodia";

(d) Article 330 provides that "the act of directly inciting the parents or one of them to abandon an already-born or a yet-to-be-born child, for profit making purpose, is punishable by an imprisonment of between 1 month and 6 months and a fine of between 100,000 Riels and 1,000,000 Riels";

(e) Article 331 provides that "the acts of serving one-self as an intermediary between a person or a couple who desires to adopt a child and a parent who desires to abandon his/her already-born or a yet-to-be-born child, for profit making purpose, is punishable by an imprisonment of between 1 month and 6 months and a fine of between 100,000 Riels and 1,000,000 Riels";

(f) Article 332 states that "the acts of serving one-self as an intermediary between a person or a couple who desires to adopt a child and a woman accepting to bear a pregnancy of the child and to deliver this child to them afterward, for profit making purpose, is punishable by an imprisonment of between 1 month and 6 months and a fine of between 100,000 Riels and 1,000,000Riels";

(g) Article 333 provides that "the acts of substituting one child for another, simulating or concealing the existence of one child, when this action has resulted in a falsification of civil registration certificate, is punishable by an imprisonment of between 1 month and 1 year and a fine of between 100,000 Riels and 1,000,000 Riels".

81. **Law on Inter-Country Adoption.** The Law on Inter-Country Adoption prohibits the acts provided for in Articles 330, 331 and 332 of the above Penal Code. The Ministry in charge of Social Affairs may suspend or revoke the authorization or refuse an authorization of any inter-country adoption agency if it is proven that such agency has violated the provisions of these 3 articles.

82. **Criminal provisions**. Criminal provisions related to child prostitution that are defined in the Law on Suppression of Human Trafficking and Sexual Exploitation include:

(a) This law assumes that any person that keeps a minor under his/her supervision or control shall be presumed to know the minor's age unless the person proves that he/she reasonably believes the minor's age to be 18 years or more. The minor in this law shall mean a person under the age of 18;

(b) Child prostitution is defined as an offence in the Law on Suppression of Human Trafficking and Sexual Exploitation of the Kingdom of Cambodia. Child prostitution in this law shall mean the act of having sexual intercourse or other sexual conduct of all kinds between a minor and another person in exchange for anything of value.

The act of procuring prostitution in this law shall mean (1) drawing a financial profit from the prostitution of others; (2) assisting or protecting the prostitution of others; (3) recruiting, inducing or training a person with a view to practice prostitution; (4) exercising pressure upon a person to become a prostitute.

83. Provisions related to the act of procuring prostitution and prostitution include:

(a) Article 27 states that a person who commits procurement of prostitution shall be punished with imprisonment from 5 to 10 years. Article 28 states that procurement of prostitution shall be punished with imprisonment from 7 to 15 years when the prostitute is a minor;

(b) Article 33 states that any person who commits any of the offences set forth in Articles 30 (Management of Prostitution), Article 31 (Management of Establishment for Prostitution) and Article 32 (Provision of Premise for Prostitution) of this law shall be punished with imprisonment from 7 to 15 years when the offence is committed with regard to child prostitution;

(c) Article 35 states that any person who solicits another person for child prostitution, or advertises child prostitution, for the purpose of acting as intermediary of the child prostitution shall be punished with imprisonment from 2 years to 5 years and a fine from 4,000,000 Riels to 10,000,000 Riels. Any person who commits the above offense as business shall be punished with imprisonment from 5 to 10 years;

(d) Article 36 states that any person who provides another with a money loan or anything of value on the condition that a minor engage in child prostitution business shall be punished with imprisonment from 5 to 10 years. Any person who provides a minor with a money loan or anything of value on the condition that the latter engage in child prostitution business shall be punished the same as set out in Paragraph 1 of this article;

(e) Article 37 states that any person who makes a contract with another in which a minor is obliged to engage in child prostitution business shall be punished with imprisonment from 5 years to 10 years. Any person who makes a contract with a minor in which the latter is obliged to engage in child prostitution business shall be punished the same as set out in Paragraph 1 of this article;

84. **Prostitution**. Prostitution is also prescribed as an offence in the Penal Code of the Kingdom of Cambodia. The criminal provisions include:

(a) Article 284 provides that procuring prostitution is punishable by an imprisonment of between 2 and 5 years and a fine of between 4,000,000 Riels and 10,000,000 Riels;

(b) Article 285 provides that the act of serving as an intermediary between a man or woman prostitute and procurer is punishable by an imprisonment of between 2 years and 5 years and a fine of between 4,000,000 Riels and 10,000,000 Riels;

(c) Article 286 prescribes that the acts of any person who facilitates or covers up the resources that he/she earned from procuring is punishable by an imprisonment of between 2 years and 5 years and a fine of between 4,000,000 Riels and 10,000,000 Riels. The same punishment is also applied to any person who cannot justify his/her resources by habitually living with the person who commits prostitution or by habitually communicating with one or several persons who commit prostitution;

(d) Article 287 provides that the acts of hindering actions of preventing, assisting or rehabilitating carried out by either public service agencies or by the specialized private organizations for the benefit of persons who indulge in prostitution or who are in danger of prostitution is punishable by an imprisonment of between 2 years and 5 years and a fine of between 4,000,000 Riels and 10,000,000 Riels;

(e) Articles 289 and 290 of the Penal Code define aggravating circumstances that procuring prostitution is punishable respectively by an imprisonment of between 7 years and 15 years if the prostitute is a minor, and between 10 years and 20 years when the procurer/procuress or master of prostitution utilizes tortures or barbarous acts towards the person who indulges in prostitution;

(f) Article 291 states that the acts of managing, exploiting, directing, operating or financing an establishment of prostitution, directly or through a intermediary, is punishable by an imprisonment of between 2 years and 5 years and a fine of between 4,000,000 Riels and 10,000,000 Riels;

(g) Article 292 provides that it is punishable by an imprisonment of between 2 years and 5 years and a fine of between 4,000,000 Riels and 10,000,000 Riels for the person who manages, exploits, directs, or operates any establishment opened to the public, directly or through an intermediary, authorize or tolerates that:

(i) A person indulges habitually in prostitution inside this establishment or its annexes;

(ii) A person looks habitually for clients with a view to prostitution inside this establishment or its annexes;

(h) Article 293 states that it is punishable by an imprisonment of between 2 years and 5 years and a fine of between 4,000,000 Riels and 10,000,000 Riels for the person who sells or makes available for a person a place not utilized by the public, knowing that the person will use it for prostitution activities.

85. **Child pornography**. The criminal provisions related to child pornography prescribed in the Law on Suppression of Human Trafficking and Sexual Exploitation include the following. Article 41 states that:

- Any person who distributes, sells, leases, displays, projects, or presents in a public place, child pornography shall be punished with imprisonment from 2 years to 5 years and a fine from 4,000,000 Riels to 10,000,000 Riels.
- Any person who possesses, transports, imports, or exports child pornography for the purpose of use in commission of the offence stipulated in the above Paragraph 1 shall be punished the same.
- Any person who produces child pornography shall be punished with imprisonment from 5 years to 10 years.
- Any person who produces child pornography for the purpose of use in the commission of any offence stipulated in the above-stated first and second paragraph shall be punished with imprisonment from 10 years to 20 years.

86. The Mitigating circumstances are applicable to minors under the age of 18. Penalties pronounced for a felony prescribes in 20 years and penalties pronounced for a misdemeanor prescribes in 5 years (prescription duration). The criminal legal age is set at 18 years and above and the minimum age of criminal responsibility is set at 14 years. The reason for the criminal irresponsibility or mitigating criminal responsibility shall be applied in accordance with the general provision of the Penal Code. Other than the general rule on mitigation based on the circumstances of the offence or personality of the accused, there is no special provision with regard to mitigating circumstances and self-protection measures against the sale of a minor, buying child prostitution and other activities related to child pornography. At present, CNCC is reviewing the legal framework on child protection.

87. The Civil Code 2007 provides for rules governing simple and full adoption. Full adoption refers to an adoption that creates a permanent parent-child relationship between

the adoptive parent(s) and the adopted child and terminates the respective rights and obligations between the child and his/her biological parents or guardian for minor. As for simple adoption, the relationship between the adoptee and the biological parents shall continue, and the adoptee and the biological parents shall have the right to inherit from each other. The adoptee and the natural parents shall have the right to claim support from the other and the obligation to support the other.

88. The Kingdom of Cambodia ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2007.

89. Besides ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, the Kingdom of Cambodia signed bilateral treaties with the Republic of France and Italy to cooperate in intercountry adoption. The National Policy on Alternative Care for Children stipulates different types of alternative care for children without primary caregivers and sets out principles of alternative care. The Royal Government has made a determination that institutional care and international adoption are options of the last resort. This policy aims at ensuring that children grow up in a family and in a community, in particular with their biological family and community of origin; that children are able to access health services, free education and psycho-social support for the child's survival and development; and to enhance the capacity of communities to care for and protect vulnerable children through the promotion and strengthening of all community safety nets.

90. Article 5, paragraph 7 of the Law on Inter-Country Adoption provides that the competent authorities involved in inter-country adoption procedures shall ensure that the inter-country adoption process does not result in unlawful financial gain and that the abduction of, sale of and trafficking in children are prevented. Only expenses, fees and contributions prescribed by legal provisions in this law shall be paid.

91. To protect children's basic rights which are subject to inter-country adoption, the Law provides the following rules:

(a) Prevention of illegal adoption: Only agencies authorized by the Ministry in charge of Social Affairs of the Kingdom of Cambodia and competent institutions of the receiving country shall be entitled to operate in any inter-country adoption procedure. The number of agencies from each receiving country that may be authorized to provide services in the Kingdom of Cambodia shall be determined by joint agreement of the Ministry in charge of Social Affairs and the competent authorities of the receiving country;

(b) Inciting a mother or pregnant woman to deliver her child as a subject for adoption and advertising of adoption services is prohibited. The act of directly inciting, for profit making purpose, the parents or one of them to abandon an already-born or a yet-to-be-born child, is prohibited. The act of serving one-self as an intermediary between a person or a couple who desires to adopt a child and a parent who desires to abandon his/her already-born or a yet-to-be-born child, for profit making purpose, is prohibited. The acts of serving one-self as an intermediary between a person or a couple who desires to adopt a child and a woman accepting to bear a pregnancy of the child and to deliver this child to them afterward, for profit making purpose is prohibited. The Ministry in charge of Social Affairs may suspend or revoke the authorization or refuse to renew an authorization of any inter-country adoption agency that has advertised or published the identity or photograph of a child who is a subject of adoption to influence any individual to apply for adoption;

(c) Only the agency that is properly authorized is entitled to operate in inter-country adoption;

(d) The stealing of a small child and falsifying of civil registration [of a child] is punishable by the provisions of the Penal Code. The removal of a minor unlawfully from a

person who has legitimate care is punishable by an imprisonment of between 1 month and 6 months. The acts of substituting one child for another child, simulating or concealing the existence of one child, when this action has resulted in a falsification of civil registration certificate is punishable by an imprisonment of between 1 month and 6 months;

(e) An adoption may proceed only if a free and clear consent from parent(s) is given without defect of declaration of intention. Parent(s) of a child must be counseled by authorized competent social service agent before giving their consent. In case the parents are dead or are incapable of expressing their will or have been divested of their parental powers, the consent shall be given by the guardian for the minor. The parental power holder(s) who is in extremely difficult circumstances may place the child under the care of the Ministry in charge of Social Affairs. In this case, the Ministry in charge of Social Affairs becomes a guardian for the child who has been placed under the care of the ministry, in accordance with a court order. The consent on adoption must be given by the parental power holder(s) in the presence of commune/Sangkat chief and must be verified by the court;

(f) The Law on Inter-Country Adoption provides a number of guidelines relating to expenses, fees and contribution in respect of inter-country adoption which are to be set out in the joint Prakas of the Minister of Economy and Finance and Minister of Ministry in charge of Social Affairs.

92. The production and dissemination of advertising materials concerning offences prescribed in the Optional Protocol, in particular child pornography, is provided for by the Law on Trafficking and Sexual Exploitation as criminal offence. Production and dissemination of child pornography is punishable with an imprisonment from 2 years to 5 years and a fine from 4,000,000 Riels to 10,000,000 Riels. Soliciting or advertising for prostitution is punishable with the same punishment.

93. The Royal Government issued guidelines and measures to suppress and prevent the dissemination of children and women pornography, which include the following:

(a) The adoption of the Law on Suppression of Human Trafficking and Sexual Exploitation;

(b) The implementation of the Law on Newspapers;

(c) Blocking Internet IPs that can transfer obscene images;

(d) Creation of an Inter-ministerial Committee to monitor and suppress all means of transmission of obscene images, the sale or rent of obscene film or video;

(e) Instructing for each ministry to advise and instruct staff not to watch or communicate obscene images;

(f) Developing campaign for youth and social education in collaboration with all relevant ministries.

94. Data from the Department of Anti-Human Trafficking and Juvenile Protection in 2009 show that sexual exploitation and pornography represented 11% of sexual offences. In that same year, 21 cases of offences related to pornography were suppressed and 15 perpetrators were arrested by the Department of Anti-Human Trafficking and Juvenile Protection.

95. Extraditing a person accused of committing an offence prescribed in the Optional Protocol and other criminal offences shall be applied in accordance with provisions of the Code of Criminal Procedure relating to extradition. Extraditing a foreigner arrested in the territory of the Kingdom of Cambodia is governed by the provisions of international treaties

and conventions ratified by the Kingdom of Cambodia. In case there is no such international treaty or convention ratified by the Kingdom of Cambodia, provisions of the Chapter on Extradition in the Penal Code shall be applicable, unless otherwise provided in other laws. An extradition may be made only if the prosecuted facts against the wanted person constitute an offence under the laws of both the requesting state and the Kingdom of Cambodia. All extradition requests shall be submitted to the Royal Government of Cambodia through the diplomatic channel. The Minister of Foreign Affairs of the Kingdom of Cambodia shall forward the request together with supporting documents to the Minister of Justice. The Minister of Justice shall verify the regularity of the request and then forward it to the General Prosecutor attached to the Court of Appeal of Phnom Penh. The Investigating Chamber of the Court of Appeal of Phnom Penh is the only organ that has competency to consider the regularity of the extradition request received by the Royal Government. Article 33 of the Constitution states that, "Khmer citizens shall not be deprived of their nationality, exiled or arrested and deported to any foreign country unless there is a mutual agreement on extradition." So far, Cambodia has signed extradition treaties with a number of countries: the treaty with the Kingdom of Thailand was ratified in Bangkok on 6 May 1998; the treaty with China was ratified in Beijing on 9 February 1999; the treaty with the People's Republic of Laos was ratified in Vientiane on 21 October 1999; and the treaty with Korea was ratified in Phnom Penh on 22 October 2009.

96. So far the Cambodian authority has arrested a number of foreign nationals who came to Cambodia and committed offences. For example:

(a) In 2009, 32 foreign suspects were detained and sent to the court of first instance. They were 7 French, 6 Americans, 3 Koreans, 3 Chinese, 2 Canadians, 2 Thais, 2 British, 1 German, 1 Greek, 1 Swedish, 1 Swiss, 1 Japanese, 1 Danish, and 1 Israeli;

(b) In 2009, the Kingdom of Cambodia extradited 1 Australian who had committed sexual abuse against a minor and fled to Cambodia as a tourist. This person was accused by the Australian authority of committing the act of pornography against a minor in violation of the Australian law. This person fled to and hid himself in Cambodia. The Australian authority requested the Cambodian authority to arrest and extradite him to be punished in accordance with the Australian law. At the time, the Kingdom of Cambodia and Australia did not have extradition treaty with each other. However, based on the Criminal Procedure Code 2007, the Cambodian authority could extradite this offender to the Australian authority. On 22 October 2009, the Cambodian Authority handed over the offender to the Australian authority;

(c) In 2008, the General Commissioner of the Cambodian National Police as well as the Country Military Police paid attention to and urged specialized departments, police commissioners and military police in all capital and provinces to make efforts to investigate and arrest foreign suspects. As a result, they detained and sent 11 foreign suspects to the court. Among them are 4 Americans; 1 Russian; 1 Italian; 2 French; 1 Japanese; 1 Swedish; and 1 British who were deported out of Cambodia.

97. Since the Protocol came into force, the Kingdom of Cambodia has never refused any extradition request to extradite anyone within its jurisdiction who would have been accused by another state of committing any offence prescribed in this Optional Protocol. Also, the Kingdom of Cambodia has never made any extradition request to extradite anyone to Cambodia who would have been accused of committing any offence prescribed in this Optional Protocol.

98. On 27 July 2009 the Investigating Chamber of the Court of Appeal of Phnom Penh held a trial and adjudicated in accordance with a Writ of Decision No. 34 Chh./24 July 2009 to extradite an Australian national to Australia for having committed child pornography.

99. In addition to extradition treaties, the Kingdom of Cambodia signed a Treaty on Mutual Legal Assistance in Criminal Matters in November 2004 within the ASEAN framework to assist each other in criminal matters, such as in investigation, prosecution, and legal proceedings. In addition, the Kingdom of Cambodia has signed regional bilateral or multilateral agreements, such as:

(a) The ASEAN cooperation agreement in tourism provides for practical measures to be taken to prevent tourism-related abuse of cultural heritage and natural resources of the countries in the region , especially women and children in the 8th ASEAN Summit in Phnom Penh, 4-5 November 2002;

(b) The Memorandum of Understanding on Cooperation between GMS countries that implements the programmes in relation to the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) to respond to trafficking;

(c) The Memorandum of Understanding between Cambodia and Thailand in May 2003 on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking;

(d) The Agreement between Cambodia and Vietnam in October 2005 on Bilateral Cooperation on Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking;

(e) The Cooperation Agreement between the Royal Government of Cambodia and the Government of the Socialist Republic of Vietnam on Operational Procedures in Identifying Victims of Trafficking;

(f) Currently, the Kingdom of Cambodia is in the process of making an agreement with Malaysia as well.

100. Within the country, there is an agreement on Guidelines for Implementation and Cooperation between Relevant Government Institutions and Victim-Support Agencies in Cases of Human Trafficking, concluded on 6 February 2007.

101. Chapter 7 on Civil Remedy of the Law on Suppression of Human Trafficking and Sexual Exploitation, in particular Article 45 nullifies a contract that is made in connection with the act of selling/buying or exchanging a person.

102. Article 48 provides additional penalties, such as:

1. The confiscation of any equipment, materials or objects which were or have been used to commit the offence;

2. The confiscation of any materials which are constituent objects of the offences;

3. The confiscation of the proceeds or properties earned by or which resulted from the offence;

4. The closure of a business that has served to commit the offence;

5. The restriction of civil rights; and

6. The ban on residence.

103. The Penal Code provides additional penalties, such as:

1. The confiscation of any instruments, materials or objects which are used to commit the offence or intended to commit the offence;

2. Seizure of the objects or funds that are intended to commit the offence;

3. Seizure of incomes or properties earned as a result from the offence;

4. Seizure of the utensils, materials and movable properties garnishing a premise in which the offence was committed;

5. Closure of an establishment having served to prepare or to commit the offence;

6. The restriction of civil rights;

7. Prohibition from taking a residency;

8. Prohibition from leaving the territory of the Kingdom of Cambodia;

9. For a convicted foreigner, prohibition from entering and residing in the territory of the Kingdom of Cambodia.

104. These additional penalties may be declared if the offences prescribed in the Optional Protocol have been committed.

VI. Protection of the rights of victims (arts. 8 and 9 (3 and 4))

105. The Decision No. 107 K.C.K.K dated on 20 December 2007 on Principles on the Protection of the Rights of Child Victims of Trafficking of the Cambodian National Council for Children states that in all actions concerning child victims of trafficking, whether undertaken by public welfare institutions of the state or privately-owned, police, court, administrative authority or legislative body, the best interest of the child shall be the primary consideration.

106. The Ministry of Justice issued a *Prakas* No. 62 K.C.B.R.K/08 dated on 6 October 2008 on the Use of Court Screen and TV-Linked Testimony from Child/Vulnerable Victims or Witnesses in order to:

(a) Provide a legal framework in which the child/vulnerable victims or witnesses enjoy a safe and supportive environment so that they can provide information regarding their experience;

(b) Obtain as much information about the offences as possible;

(c) Reduce trauma on the child/vulnerable victims or witnesses; and

(d) Reduce threat to the child/vulnerable victims or the witnesses' safety.

107. The Ministry of Justice has set up court screens in the court of first instance in the entire country. Courtroom TV-linked equipments for Testimony from Child/Vulnerable Victims or Witnesses were installed in courtrooms of five courts of first instance. The ministry has produced instructional videos for child victims, child witnesses and children in conflict with the law regarding the role of different criminal justice actors. The Ministry of Interior has been using properly equipped child-interview rooms to interview child victims at the specialized departments as well as several other priority provinces and capital.

108. As of May 2010, 174 organizations have signed an MoU with the Ministry of Social Affairs, Veteran and Youth Rehabilitation to provide child welfare, social welfare and rehabilitation services to target groups such as elderly, orphans, disabled children as well as protection for victims of human trafficking and sexual exploitation. Of these organizations, 67 are national and 107 are international NGOs. More than 20 organizations are providing short-term and long-term accommodation in order to provide rehabilitation services such as spiritual encouragement (counseling), short term vocational training and job

placement/creation. After the rehabilitation of the children, they were reintegrated into the community.

109. The Royal Government of Cambodia has adopted and implemented the Policy on Alternative Care for Children and the Minimum Standards for Child Care.

110. MoSVY in collaboration with NGOs has provided referral and reintegration services for at-risk and victimized children and women. In 2009, 992 victims of labour migration, labour exploitation and human trafficking were repatriated: 215 from Thailand, 773 from Vietnam, and 4 from Malaysia. Among those repatriated persons, 515 are children. These children were rehabilitated and reintegrated. 469 women and girls who are victims of sexual exploitation in the country were rescued and provided appropriate services at state and NGO-run centres. 1,474 victims were reintegrated and 516 cases were closed.

111. In 2010, MoSVY received and/or coordinated the rehabilitation of 1,559 victims of sexual and labour exploitation, of which 256 from Thailand, 544 from Vietnam, 9 from Malaysia, 5 from East Timor, 9 from India, 1 from South Africa, 5 from Indonesia and 730 within the country. 5 Vietnamese girls, victims of sexual exploitation, were repatriated back to their country. Reintegration and follow-up were carried out for 1,611 victims, including 237 family tracings, 165 family assessments, 212 reintegrations and 595 follow-ups. 614 cases were closed.

112. From October 2008 to October 2009, the Bar Association of the Kingdom of Cambodia helped defend 544 cases for poor people including 66 minors and 45 women. In 2010, the Bar Association assisted 10 children in contact with the justice system. In addition, a majority of legal services were provided for children through legal aid NGOs.

113. Decision No. 107 K.C.K.K dated 20 December 2007 on Principles for Protection of the Rights of Child Victims of Trafficking provides the following guidelines and implementing instructions:

1. In principle, the birth certificate is the most important document for searching for and identifying the child. In case the real age of the victim is unknown, identity card, school record, physical appearance, psychological maturity, certification, health or teeth or bone (finger bone) examination sheet and DNA (Deoxyribonucleic Acid) examination sheet can be taken into account to determine the age of the child victim of trafficking in addition to the document or family book of the victim. Legally recognized documents that certify the birth or age of the child obtained from a person who knew these matters and related to culture or belief observation that identify the age of the child can also be taken into account. Where there is uncertainty of the age of the victim and there appear to be factors to believe that that person is a child, that person is presumed to be a child. While the age of the victim is being verified for a suitable period of time, that victim is considered as a child who will be placed under special protection measures as prescribed in this decision.

2. The investigation shall not affect the security of the child victim. For example, the investigation must not be made known to the suspect and confidentiality of the child victim is maintained. Moreover, photo taking, audio recording and dissemination of information to the public about the identity of the child victim are prohibited. The child victim must be brought from the location where he/she is found to a good and safe environment, including referral to social services organization or institution. The child victim must not be kept at the police post for more than 48 hours. The child must not be kept at the detention facility at all cost. For the safety and security of the child victim, police must assess the possible risk and maintain secrecy about the child's location and that of the service provider.

3. The child victim has the right to receive all information that affects him or her, including information about his or her rights, other services, family reunification and/or the process of repatriation.

4. The child victim has the right to express his or views freely of all matters that affect him or her, including matters relating to legal procedures, alternative care, protection as well as the determination and implementation of a solution within a suitable period of time. Views of the child victim of trafficking must be taken into account and assessed according to his or her age, maturity, ability and the best interest of the child.

114. In 2004, the Centre for Lawyer Training and Professional Improvement organized a training of trainers on child rights and legal representation and developed a training manual on the topic. Since 2006, basic training on Children's Rights, Laws and Justice has been integrated into the training curriculum of the Centre for Lawyer Training and Professional Improvement for student lawyers.

115. Similar training was organized at the Royal Academy for Judicial Professions for incumbent judges and prosecutors. The Royal Academy for Judicial Professions has produced two training videos for court officials for interviewing child victims and children in conflict with the law. The number of judges, prosecutors and lawyers that received training is as follows:

Year	*Judges-Prosecutors*	*Lawyers*
2005		60
2006	106	50
2007	240	84
2008	186	-
2009	270	79
2010	-	44 (trained in December, 2010)

116. The Ministry of Interior, Ministry of Health and Ministry of Justice organized joint and separate trainings for judicial police, medical doctors and court officials on forensic and medical investigation of child sexual abuse cases on the topics:

(a) Forensic Medical and Welfare Aspects of Child Sexual Abuse Investigations; and

(b) Forensic Medical and Legal Aspects of Child Sexual Abuse Investigation.

117. From October 2009 to October 2010, the Department of Anti-Human Trafficking and Juvenile Protection conducted 39 training sessions with participation of 1,724 trainees and held 15 workshops with participation of 1,068 attendants.

118. From 2008 to 2010, judicial police officials from the Anti-Human Trafficking and Juvenile Protection Department and the 10 provincial and capital Offices of Anti-Human Trafficking and Juvenile Protection were provided quarterly on-the-job training on case management and follow up in the investigation and referral of cases of trafficking, sexual abuse, exploitation and domestic violence. Police training manuals were updated to incorporate relevant provisions related to the Criminal Procedure Code and the Law on Suppression of Human Trafficking and Sexual Exploitation. Bi-annual national workshops were organized and participated in by representatives from the Anti-Human Trafficking and Juvenile Protection Department and units from 24 capital and provinces in order to exchange experiences and lessons learned in dealing with cases of sexual abuse, sexual exploitation and violence against children and women, and to review laws and investigation techniques. A total of 950 police inspectors, deputy police inspectors, chiefs of police

administrative post and deputy chiefs of police administrative post from 10 capitals and provinces received annual advanced trainings on legal procedures and investigation skills and on cooperation with other local authorities. 2,588 judicial police officials were trained at the Police Academy and its five regional police training schools to sensitize them to child sexual abuse, trafficking and sexual exploitation issues, and teach procedures in handling those cases.

119. Until 2009, 54 percent of state social workers at national, municipal and provincial level and 83 percent of others at district level have received basic training courses on social services skills. The training module about the role of social workers in the child justice system was included in the basic training course on social services skills of the Ministry of Social Affairs, Veteran and Youth Rehabilitation. The Ministry of Justice organized a Multi-sectoral Training Workshop on Child Justice in 2009 for 35 trainers comprised of court officials, social workers and members of NGOs.

120. While providing special safety protection and remedy measures for child victims of the offence, the right of the accused to a fair and impartial trial is also guaranteed. Article 38 of the Constitution provides that the prosecution, arrest, or detention of any person shall not be done except in accordance with the law. Confessions obtained by physical or mental coercion shall not be admissible as evidence of guilt. Any case of doubt shall be resolved in favor of the accused. The accused is considered innocent until the court has finally judged on the case. Every citizen shall enjoy the right to defense through judicial recourse. In addition, the Criminal Procedure Code 2007 defines the rules to be followed and strictly applied to clearly determine the existence of a criminal offence and to ensure procedural rights of the accused.

121. In addition to the issuance of the rules governing the search and identification of a child, Decision No. 107 K.C.K.K of 20 December 2007 of the CNCC on Principles for the Protection of the Rights of Child Victims of Trafficking provides that relevant ministries and institutions must develop laws, policies and procedures to ensure that child victims of trafficking who are not Cambodian nationals are not considered as illegal immigrants. As for child victims who do not possess legal documents, competent ministries and institutions shall help them get quick legal status such as provision of temporary visa etc. In this case, the child will not pay or spend on anything in such process of getting legal status.

VII. International assistance and cooperation (art. 10)

122. Children are still the objects of trafficking to Thailand, Vietnam and a number of countries. Women and children in general have been trafficked for the purpose of sexual exploitation while a number of others have been trafficked to be beggars or domestic workers. The extent to which this problem emerges requires close collaboration with other countries, especially countries in the Mekong region. In May 2003, the Royal Government of the Kingdom of Cambodia signed a MoU with the Royal Government of the Kingdom of Thailand on Bilateral Cooperation for Eliminating Trafficking in Children and Women and Assisting Victims of Trafficking. In 2004, the Royal Government of Cambodia established a working group to implement this MoU. In October 2004, the Royal Government of the Kingdom of Cambodia signed a MoU on Cooperation to Combat Human Trafficking in the GMS and set up a working group to implement this MoU in July 2005. The Cambodian working group together with its counterpart of countries in the GMS developed and implemented the First Sub-regional 3-year Action Plan (2004-2007). In December 2007 in Beijing, People's Republic of China, the working group of 6 countries adopted the Second Sub-regional 3-year Action Plan and the ministers of the 6 countries signed the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT). In October 2005, the Royal Government signed an Agreement with the People's Republic of Vietnam on Bilateral

Cooperation for Eliminating Trafficking in Women and Children and Assisting Victims of Trafficking. MoSVY of the Kingdom of Cambodia and Ministry of Police of Vietnam signed an Agreement on Standard Operating Procedures in Identifying and Repatriating Victims of Trafficking in December 2009. In 2010, the AHTJP held a meeting with its Vietnamese counterpart to discuss the protection and border cooperation to maintain security and order along the Cambodia-Vietnam borders, particularly cross-border trafficking, and also reviewed the 5-Year achievements with regard to the implementation of the cooperation agreement to eliminate trafficking in women and children. The department also attended a meeting concerning human trafficking held in Indonesia and Philippines, and a meeting of directors of specialized human trafficking departments during the 18th session of ASEAN in Myanmar. The Ministry of Women's Affairs discussed with Malaysia the draft of the MoU to eliminate human trafficking. The MoU on the Asian Regional Cooperation Project to Prevent Human Trafficking was signed in November in 2003 between the Cambodian Minister of Justice and Australia. The Kingdom of Cambodia also signed an Agreement on Extradition with Laos, Thailand, China and Korea. In addition, other bilateral cooperation was entered into between the national STSLS Committee and the United States of America.

123. After becoming the state party to the Hague Convention on Protection of Children and Cooperation in respect of Inter-Country Adoption in 2007, the Kingdom of Cambodia has been and is cooperating closely with the Permanent Office of the Hague Conference on Private International Law and receiving countries of inter-country adoption to implement the Hague Convention, this Protocol and the Law on Inter-Country Adoption.

124. To coordinate and cooperate in the child justice sector, especially with regard to human trafficking and sexual exploitation, the Royal Government has set up a national working group on the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) under the leadership and coordination of Ministry of Women's Affairs. The Advisory Group comprising of development partners has mainly contributed to the oversight and monitoring of child status in the justice system through their network.

125. The Kingdom of Cambodia has been committed, within the international framework, especially the ASEAN framework, as well as the ASEAN – Japan, ASEAN – India, ASEAN – Canada and ASEAN – New Zealand frameworks, to cooperate:

(a) In combating international terrorism;

(b) In suppressing trafficking in persons, particularly women and children; and

(c) In eliminating violence against women in the ASEAN region.

126. In March 2005, the Ministry of Interior sent specialized police officers to Sierra Leone and Liberia to participate in the training-of-trainers course relating to combating acts of human trafficking. In the first quarter of 2010, the Department of Anti-Human Trafficking and Juvenile Protection shared their experiences with regard to suppressing the buying of child prostitutes through the internet. In 2010, an officer of the AHTJP attended as a witness in a trial of an American citizen in Los Angeles, California, USA who was charged with having sex with a girl less than 18 years of age in Cambodia.

VIII. Other legal provisions (art. 11)

127. The Law on Suppression of Human Trafficking and Sexual Exploitation is a special criminal law. This law aims at implementing not just Cambodia's obligations under the Optional Protocol, but also the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as other instruments and international

agreements relating to human trafficking that the Kingdom of Cambodia has ratified or signed. This Law criminalizes many acts as offences relating to human trafficking and sexual exploitation and establishes aggravating circumstances to be imposed on persons who commit the offences against a child.

128. The Kingdom of Cambodia has ratified a number of international laws relating to prevention of child trafficking, child prostitution and child pornography. They are as follows:

(a) ILO Conventions Nos. 138, 29 and 182;

(b) The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;

(c) . The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

129. The ratification of all these international instruments has contributed to improving the realization of the rights of the child more than this Optional Protocol provisions.

IX. Conclusion

130. Over the past few years, the Kingdom of Cambodia has successfully achieved fruitful results in the development of its economic and social sectors, including child welfare and child protection in general and in particular, the prevention of child trafficking, child prostitution and child pornography. Presently, there have been remarkable changes in the understanding of prevention of child trafficking, child prostitution and child pornography among the public, and the Royal government is paying attention to prevention through serious measures and law enforcement. Leaders of all levels and various institutions are paying more and more attention and actively contributing to the child protection area; and child protection has been widely put into operation in the society in general. Particularly, campaigns/activities with regard to child protection, prevention of child prostitution and child trafficking have been participated by a wide range of actors in society, namely, from legislative body up to the justice sector and other relevant institutions. New and interesting approaches have been extensively implemented by using national and international resources. As a result, the number of trafficked and sexually abused children has been decreased.

131. While achieving the above results, the Kingdom of Cambodia still faces some challenges that require further and greater efforts in developing its economic and social sectors, especially in the child welfare area, with focus on:

(a) Promoting cooperation among law enforcement and judicial institutions and social service sectors;

(b) Continuing to raise awareness on the laws, law enforcement, crime prevention and social problems;

(c) Continuing to uphold the responsibilities of the competent institutions, civil society organizations, community and family to manage, protect and educate children;

(d) Creating joint programmes to prevent and address problems concerning child trafficking, child prostitution, and child pornography while implementing socio-economic development programmes;

(e) Increasing investment in researches, collection, management and analysis of data concerning children;

(f) Identifying offences and accelerating the investigation, prosecution and punishment of perpetrators who trafficked children, in accordance with the law;

(g) Further strengthening the roles, duties, leadership and ownership of the STSLS;

(h) Adopting the Second 5-year National Plan of Action against Human Trafficking and Sexual Exploitation, the soonest, and

(i) Continuing good cooperation with development partners, civil society and international organizations.

Annex

Law on Suppression of Human Trafficking and Sexual Exploitation 2008

Law on Inter-Country Adoption 2009

Policy and Minimum Standards on the Protection of the Rights of Victims of Human Trafficking 2009

Decision No. 107 K.C.K.K dated on 20 December 2007 on Principles for Protection of the Rights of Child Victims of Trafficking and Assisting Child Victims of Trafficking

References

National Strategic Development Plan Update 2009-2013

Summary Report of the Result of the Work of STST Committee 2009 and the Future Direction 2010 dated on 3 March 2010

Report on the implementation of resolution 2009/26 of the Economic and Social Council on supporting the national and international efforts for child justice reform 2010

Second and Third Report of Cambodia on the Implementation of the Convention on the Rights of the Child 2000-2007

Penal Code, 2009

Criminal Procedure Code, 2007

Law on Suppression of Human Trafficking and Sexual Exploitation 2008

Law on Inter-Country Adoption, 2009

Policy on Alternative for Children, 2008

Decision No. 107 K.C.K.K dated on 20 December 2007 on Principles for the Protection of the Rights of Child Victims of Trafficking

Result of the meeting on introduction of United Nations new guidelines for reporting on the implementation of the Optional Protocols of the Convention on the Rights of the Child

Summary of the Mid Term Review, 2006-2010 dated October 2008

Strategic Information Response Network, UNIAP, 2010 Edition